

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

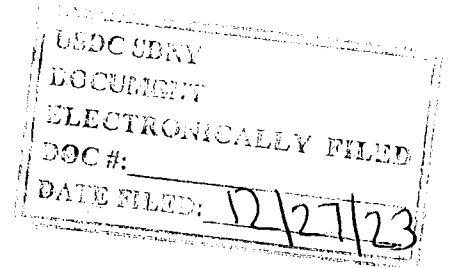
-----X  
UNITED STATES OF AMERICA :

v. :

OMAR HEREDIA-SIERRA, :  
Defendant. :  
-----X

**ORDER**

21 CR 517 (VB)  
Copies Mailed Taxed  
Chambers of Vincent L. Briccetti



12/27/23  
DH

By motion dated November 24, 2023, defendant Heredia-Sierra seeks a reduction of sentence pursuant to Amendment 821 to the United States Sentencing Guidelines. (Doc. #34). The motion is DENIED because defendant is not eligible for a sentencing reduction under Amendment 821.

In Amendment 821, the United States Sentencing Commission amended the Guidelines in two respects. Part A amends Section 4A1.1 by reducing from two (2) to one (1) the number of criminal history points added for offenders who committed the instant offense while under a criminal justice sentence, and by limiting this provision to defendants who received seven (7) or more criminal history points. Part B creates a new Section 4C1.1, which provides for a two-level decrease in offense level for defendants with zero (0) criminal history points who meet specified eligibility criteria.

Defendant does not qualify under Part A of Amendment 821 because he did not commit the instant offense while under a criminal justice sentence. Defendant does not qualify under Part B because he did not have zero criminal history points; indeed, he had 3.

Accordingly, defendant is not eligible for a reduction of sentence pursuant to Amendment 821.

Chambers will mail a copy of this Order to defendant at the following address:

Omar Heredia-Sierra, Reg. No. 54634-054  
FCI Fort Dix  
Federal Correctional Institution  
P.O. Box 2000  
Joint Base MDL, NJ 08640

Dated: December 27, 2023  
White Plains, NY

SO ORDERED:

A handwritten signature in black ink, appearing to read "Vincent Briccetti".

Vincent L. Briccetti  
United States District Judge